



**Charter Commission Minutes  
Special Meeting  
Video Conference Via Google Meet / YouTube  
1700 North Grand Avenue  
Thursday, April 22, 2021 at 1:30 p.m.**

**Call to Order**

Chairman Apodaca called the meeting to order at 1:35 p.m.

**Roll Call**

**Present**

Commission Chair Francisco Apodaca  
Commission Vice Chair Greg Salazar  
Commissioner Matt Martinez  
Commissioner Lee Einer  
Commissioner Sandra Madrid

**Absent**

Commissioner Christine Ludi

**Also Present**

Darlene Arguello, Paralegal - City of Las Vegas  
Casandra Fresquez, City Clerk – City of Las Vegas

**Approval of Agenda**

Chairman Apodaca called for a motion to approve the agenda.

Commissioner Martinez made a motion to approve the agenda.

Commissioner Madrid seconded the motion.

Motion passed unanimously.

**Approval of Minutes**

a. April 1, 2021 Meeting

Chairman Apodaca called for a motion to approve the minutes of April 1, 2021.

Commissioner Madrid made a motion to approve the minutes of April 1, 2021.

Commissioner Salazar seconded the motion.

Motion passed unanimously.

### **Public Input**

No public input was submitted.

### **Discussion Items**

#### **a. Questions regarding the City Charter for City Clerk**

Chairman Apodaca opened up discussion by asking Casandra Fresquez, City Clerk if there had been any requests from the public for any revisions to the Charter or revision of the Charter itself and what the process was and the specific item that was brought forth.

City Clerk Casandra Fresquez responded by stating that the only challenge she could recall was shortly after the Las Vegas voters voted the Home-Rule Charter into effect in March 2010, there were two prior city attorneys that challenged the Charter by stating that it did not have the sixty percent (60%) of voters required and there was actually fifty-six percent (56%). Ms. Fresquez stated that that was the only challenge she could recall and that has been no other challenges in written form but there has been several questions regarding the Charter for clarification because the Charter is somewhat vague.

Chairman Apodaca asked Ms. Fresquez for the result of the challenge on the sixty percent (60%) threshold and if there was ever a judgment or judicial opinion. Ms. Fresquez responded by stating that it was to her understanding that it never went to District Court and there was never a determination.

Commissioner Martinez asked that Ms. Fresquez go back for clarification because as far as he knew on the new special Charter it only required fifty percent (50%) plus one or fifty-one percent (51%) and Attorney Danelle Smith and another attorney challenged that but the attorney that represented the Charter Commission at the time, they knew that they only needed fifty percent (50%) plus one. Ms. Fresquez agreed and stated that was the only time she recalled a challenge and it was by Dave Romero and Danelle Smith.

Chairman Apodaca asked Ms. Fresquez what the nature of the questions of the Charter were. Ms. Fresquez responded that there were questions on the election section and elaborated on the questions asked and the guidelines that were never established by Council. Ms. Fresquez also stated that anything the Charter was silent on, she would follow the state statute rules.

Ms. Fresquez also stated that there were questions as to the recall process in regards to recalling an elected official. She stated that in the state statutes there is language that the official facing recall must have committed malfeasance or an egregious act that the City Charter lacked and so the question was if the Charter was ever revised, can that language be put in there.

Chairman Apodaca asked Ms. Fresquez if there was anything else. Ms. Fresquez asked if she could go back to her notes and get back to the Commission at another meeting with any other questions and also for her input and opinion on the Charter. Chairman Apodaca agreed and will propose it as an action item on the next meeting.

Chairman Apodaca also briefly elaborated on how the Commission could elicit comments and suggestions from the Council without having to set up a joint meeting and having Councilors attend meetings individually for their suggested revisions and comments. He will propose this at the next meeting and stated he would also like for the City Clerk to be present.

Chairman Apodaca also stated that he had spoken with City Manager Dr. Taylor in regards to the Charter. He stated that they need a couple of meetings with the Councilors appearing individually, one with the Mayor and another one eliciting thoughts from the City Clerk and the City Manager for better perspective.

Commissioner Martinez suggested to Ms. Fresquez that she look at this as an opportunity to help her fix the Charter and suggested she put together an outline with her suggestions after each item.

Ms. Fresquez agreed and stated she would start preparing an outline and asked when the Commission would like to have this by.

Chairman Apodaca stated that he would like to have it prior to the meeting that Ms. Fresquez would like to appear before the Commission for their review and to have any questions ready for the meeting.

Commissioner Martinez asked Ms. Fresquez when referring to state code, to advise the Commission of any sections of the Charter that would be done better that way.

Ms. Fresquez thanked the Commission for having her and giving her the opportunity to make her recommendations in regards to the Charter. Chairman Apodaca thanked Ms. Fresquez in return.

Commissioner Einer expressed that there were areas in the Charter that were not exhaustively defined and briefly explained that the Charter was like the U.S. Constitution and needed to be fleshed out by regulation and ordinance. Further brief discussion was held.

b. Review of Current Charter Article II and Continuation

Chairman Apodaca opened up discussion as to Section 2.01(A) and stated that this section was pro forma. He stated as to Section 2.01(B) with regard to four (4) city councilors, in conversations with citizens and commissioners, this is where a big problem lies.

Lengthy discussion was held in regards to the number of councilors currently serving and the effects it has previously had and currently has. The Commission expressed their thoughts and opinions on raising the number of councilors and elaborated on their reasons.

After deliberating on what the number of councilors should be, Chairman Apodaca asked the Commission if they agreed that the recommendation would be to amend Section 2.01(B) from four (4) Councilors to eight (8) Councilors. Commissioner Madrid and Commissioner Martinez both agreed. Chairman Apodaca asked for the recommendation in the form of a motion to amend Section 2.01(B) to eight (8) Councilors and two (2) would represent each district.

Commissioner Martinez made a motion to amend Section 2.01(B).

Commissioner Einer seconded the motion.

Chairman Apodaca asked if there was further discussion.

Vice Chairman Salazar expressed that Commissioner Ludi was not present and asked if they could wait until she was present to make a motion on the amendment.

Chairman Apodaca asked if that was a motion to table.

Vice Chairman Salazar responded yes and made a motion to table.

Commissioner Martinez seconded the motion.

Chairman Apodaca stated there was no vote needed on tabling the item.

Chairman Apodaca opened up discussion as to Section 2.02 and stated that it was pro forma; Commissioner Madrid agreed.

Commissioner Martinez stated that he had notes that he wanted to share but apologized because he was out of town and didn't take them with him. He asked if they could go back to sections to discuss and make amendments.

Chairman Apodaca stated that they could always go back and asked what the wishes of the Commission were. Commissioner Madrid stated that she would like to have Commissioner Martinez' information. The Commission agreed to go back and revisit that section when Commissioner Martinez had his notes.

Chairman Apodaca opened up discussion with regard to compensation of the Councilors.

Lengthy discussion was held and also with regard to the powers of the Mayor and the effects and impacts if the number of Councilors increased. Discussion was also held on the roles and duties of the Councilors and the Mayor.

Chairman Apodaca elaborated on his conversations with City Manager Taylor and also the New Mexico Municipal League (NMML) Attorney, Randy Van Vleck. He talked about keeping the revisions at a minimum and simple so they can implement them and they would have the greatest impact.

Lengthy discussion continued as to the revisions of Article II – Sections 2.01 through 2.08 and their subsections. Article II will be revisited next meeting for further discussion and possible suggested revisions to some sections of Article II.

### **Adjournment**

Chairman Apodaca called for a motion to adjourn.

Commissioner Madrid made a motion to adjourn the meeting.

Commissioner Einer seconded the motion.

Motion to adjourn passed.

Meeting adjourned at 3:29 p.m.

  
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Commission Chair Apodaca

7/1/2021  
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Date